**DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS**

**Equality and Human Rights**

**Screening Template**

 

**DAERA Equality** and **Human Rights**

# Screening Template

DAERA has a statutory duty to screen. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, grant funding arrangement or facility. This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Before carrying out an equality screening exercise it is important that you have received the necessary training first. To find out about the training needed, contact - equalitybranch@daera-ni.gov.uk. All screening exercises must be supported by evidence and cleared at Grade 3 level.

The accompanying Screening Guidance note provides straightforward advice on how to carry out equality screening exercises. Detailed information about the Section 75 equality duties**[[1]](#footnote-1)** and what they mean in practice is available on the Equality Commission’s website.

The screening template has 4 sections to complete. These are:

**Section A** - asks you to provide details about the policy / decision that is being screened.

**Section B** - has 4 key questions that require you to outline the likely impacts on equality groups, and all supporting evidence.

**Section C** - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

**Section D** - is the formal record of the screening decision.

Section A

Details about the policy / decision to be screened

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| Title of policy / decision to be screened:- Proposal to modify the DAERA Area Based Schemes Review of Decisions process to make it faster and more responsive. (The consultation outcome will shape the development and implementation of the new process) |

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| Brief description of policy / decision to be screened Since 2005, DAERA has implemented a two stage Review of Decisions process for EU Area based schemes. Farmers who feel that the Department did not reach the correct decision in respect to their scheme application have access to this procedure. The two stage process commences with stage one and a customer must have completed stage one otherwise they cannot commence stage two. There is a charge of £50 for a Written Review and £100 for an Oral review. There are five steps in the end- to-end process. Four of these relate to Stage Two (Case officer investigation, External Panel consideration, Departmental Policy review and Decision by Head of Paying Agency). In the spirit of fairness and equality, the Department implements a strict processing order by commencing work on cases in order of the date their application was received. The process was reviewed by Price Waterhouse Cooper in 2011 and found to be largely fit for purpose. At that time, the Department received around 300-350 Stage One applications per year, of which around 70 requested a Stage Two review. However, as a result of the out-workings of the duplicate fields Judicial Review, and resourcing issues, a backlog of cases has evolved and subsequently, the time taken to issue decisions has increased significantly. As a result the process has been the focus of mounting criticism for taking too long to administer, with applicants not receiving final decisions for up to 2.5 years and over, in some cases. It is not anticipated the current backlog of cases emanating from older legacy schemes (Single Farm Payment, Less Favoured Area Compensatory Allowance and Agri- Environment schemes ) will be cleared before Autumn 2017 However, in January 2015, the Basic Payment Scheme (BPS), a Greening Payment and a Young Farmers’ Payment replaced the previous schemes. Access to these new schemes depends on the number of entitlements held by a farm business. One of the criteria to be met to establish entitlements and claim BPS, is the Active Farmer requirement. A number of the applicants for BPS in 2015 did not meet the criteria and were not accepted by the Department as Active Farmers and thereby did not receive entitlements. There have been nearly 900 requests for Active Farmer decision reviews and it is anticipated around 200 of these will request a Stage Two review. Additionally, just over 250 applicants were unsuccessful in obtaining an award from the Regional Reserve Young Farmers’ payment and have applied for Stage One reviews. We anticipate approximately 100 of these will request a Stage Two review. If we continue to implement the current Review of Decisions process, the earliest the Department is likely to commence issuing final decisions for these cases would be Spring 2018. The length of time taken to issue final decisions at Stage 2 has long been a source of public criticism and customer dissatisfaction and there is clearly a need to review the process. ProposalThe Department proposes to replace the current Two Stage process with a new more comprehensive, robust and interactive review process. Under this modified process, the final decision will be made following full, enhanced interaction with the applicant and investigation of the grounds submitted by the applicant, by case officers who were not involved in the original decision. The proposal identifies removing the External Panel from the process. To mitigate the perceived loss of independence, the Department intend to conduct enhanced management and audit checks to ensure the quality of decisions is maintained at a high level. These will be conducted by managers not previously involved in the original decision. In summary, the proposal is not aimed at changing the outcomes of the review process, but to replace the two stages (and external panel) with greater Case Officer interaction with the applicant and separation of reviews from the original inspector as well as reaching those outcomes quicker.  On the basis and to the extent that we are successful in this aim, the change in process will not have any differential impact across S75 categories and proactive person-to –person contact throughout the process will assist those applicants who may have struggled with the two stage process e.g. older people.The consultation outcome will shape the development and implementation of the new process. |

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| Aims and objectives of the policy / decision to be screened:- The new process to be implemented will aim to continue to provide farmers with a fair, impartial, transparent, timely and cost-effective assessment of scheme decisions against the framework of EU and National Regulations and Scheme rules. The new process will be faster and more responsive. The policy to provide a Review of Decisions process remains unchanged and a farmer’s rights to call for a judicial review or to refer their case to the Ombudsman remain unaltered.  |

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| **On whom will the policy / decision impact?**Consider the internal and external impacts (both actual or potential) Staff – XPositive impact through introduction of a more efficient process, leading to fewer calls from applicants who have been waiting a long time for a decision. service users XMore efficient delivery of final decisions, should positively impact on service users.  rural community - X Applicants seeking reviews are largely resident of rural areas.other public sector organizations - No impact perceived.Xvoluntary / community groups / trade unions – There may be an impact on the UFU and NIPSA who provide advice and guidance to their membership.     Xothers, please specify – Main stakeholder organisations and agents working on behalf of a claimant to complete their application for reviews will need to be made aware of the new Review of Decisions process.  |

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| Are there linkages to other NI Departments / NDPBs? – No  |

Section B

1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? What is the level of impact?**

|  |  |  |
| --- | --- | --- |
| Section 75 category  | Details of likely impact | Level of impact? Minor/Major/None |
| Religious belief | Policy will be applied equally to all applicants | None |
| Political opinion  | Policy will be applied equally to all applicants | None |
| Racial group  | Policy will be applied equally to all applicants | None |
| Age | Policy will be applied equally to all applicants | None |
| Marital status  | Policy will be applied equally to all applicants | None |
| Sexual orientation | Policy will be applied equally to all applicants | None |
| Men and women generally  | Policy will be applied equally to all applicants | None |
| Disability | Policy will be applied equally to all applicants | None |
| Dependants  | Policy will be applied equally to all applicants | None |

1. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**

|  |  |  |
| --- | --- | --- |
| **Section 75 category**  | **If Yes, provide details**  | **If No, provide reasons** |
| **Religious belief** | No | The proposal to amend the Review of Decisions process is neutral for all the Section 75 categories, with regard to equality of opportunity, and there is no facility in the policy implementation proposals to better promote equality of opportunity for this category.  |
| **Political opinion**  | No | As above. |
| **Racial group**  | No | As above. |
|  |  |  |
| **Marital status** | No | As above. |
| **Sexual orientation** | No | As above. |
| **Men and women generally**  | No | As above. |
|  |  |  |
|  **Dependants** | No | As above. |
| **Disability** | Yes | The proposal is to reach out to all applicants in a proactive and continuous way ensuring that contact is made with applicants throughout the review rather than simply attempting to contact applicants. This will promote equality of opportunity, for example, for those with a disability or older people. |
| **Age** | Yes | As above |

1. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? What is the level of impact?**

|  |  |  |
| --- | --- | --- |
| **Good relations category**  | **Likely impact?**  | **Level of impact? Minor/Major/None**  |
| **Religious belief** | The proposed process will be applied equally to all Review of Decision applicants so there should be no impact. The process is neutral with regard to promoting good relations between people of different religious beliefs, political opinion or racial groups. Consequently, there is no facility in the proposed process to better promote good relations between these groupings. | None  |
| **Political opinion**  | As above. | None |
| **Racial group** | As above. | None |

1. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

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| --- | --- | --- |
| **Good relations category** | **If Yes, provide details**  | **If No, provide reasons** |
| Religious belief | No | The proposal to amend the Review of Decisions process is neutral for all the Section 75 categories, with regard to equality of opportunity, so there is no facility in the policy implementation proposals to better promote good relations |
| Political opinion  | No | As above. |
| Racial group  | No | As above. |

**Available evidence**

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Set out all evidence below along with details of the different groups you have met and / or consulted with to help inform your screening assessment.

|  |  |
| --- | --- |
| **Section 75 category**  | **Details of evidence / information and engagement** |
| Religious belief  | None gathered |
| Political opinion  | None gathered |
| Racial group  | None gathered |
| Age  | The EU Farm Structure Survey 20102 stated that the median age for farmers in Northern Ireland in 2010 was 57 years. The 2001/2 Social Survey data indicated that there was a high degree of similarity in terms of age profile, between farms in the severely disadvantaged areas (SDA) disadvantaged area (DA) and lowland farms and the general farming population.  |
| Marital status  | None gathered |
| Sexual orientation | None gathered |
| Men & women generally | None gathered |
| Disability | None gathered |
| Dependants | None gathered |

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| **No evidence held? Outline how you will obtain it:** No evidence required.The proposal to amend the Review of Decisions process is neutral for all the Section 75 categories, with regard to equality of opportunity, with the exception of improving interaction for all applicants, but in particular for older people and people with a disability, so there is no further evidence (other than that identified above) required.The proposal is not aimed at changing the outcomes of the appeals process, but simply to reach a fair impartial and transparent outcome quicker and in a more cost-effective manner.  On the basis and to the extent that we are successful in this aim, the change in process will not have any differential impact across S75 categories. |

Section C

DAERA also has legislative obligations to meet under the Disability Discrimination Order and Human Rights Act (insert links) Questions 5 -9 relate to these two areas.

Consideration of Disability Duties

5. Does this proposed policy / decision provide an opportunity for DAERA to better **promote positive attitudes** towards disabled people?

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| **Explain your assessment in full**The proposal to amend the Review of Decisions process will promote positive attitudes by improving interaction with applicants who have a disability as well as other Section 75 groups. The proposal is to reach out to all applicants in a proactive and continuous way ensuring that contact is made with applicants throughout the review rather than simply attempting to contact applicantsThe Department will continue to operate its current policy of providing communication and access to information for disabled people. |

6. Does this proposed policy / decision provide an opportunity to actively **increase the participation** by disabled people in public life?

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| **Explain your assessment in full**No. There is no facility in the policy proposals to actively increase the participation by disabled people in public life as the proposals are neutral with regard to people with and without disabilities. |

Consideration of Human Rights

7. The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Indicate below (place an X in the appropriate box) any potential *adverse impacts* that the policy / decision may have in relation to human rights issues.

|  |  |  |
| --- | --- | --- |
| Right to Life | **Article 2** | [ ]  |
| Prohibition of torture, inhuman or degrading treatment  | **Article 3** | [ ]  |
| Prohibition of slavery and forced labour | **Article 4** | [ ]  |
| Right to liberty and security  | **Article 5** | [ ]  |
| Right to a fair and public trial | **Article 6** | [ ]  |
| Right to no punishment without law | **Article 7** | [ ]  |
| Right to respect for private and family life, home and correspondence | **Article 8** | [ ]  |
| Right to freedom of thought, conscience and religion | **Article 9** | [ ]  |
| Right to freedom of expression | **Article 10** | [ ]  |
| Right to freedom of peaceful assembly and association | **Article 11** | [ ]  |
| Right to marry and to found a family | **Article 12** | [ ]  |
| The prohibition of discrimination | **Article 14** | [ ]  |
| Protection of property and enjoyment of possessions | **Protocol 1Article 1** | [ ]  |
| Right to education | **Protocol 1Article 2** | [ ]  |
| Right to free and secret elections | **Protocol 1Article 3** | [ ]  |

Consideration of Human Rights (cont)

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| 8. **Please explain any adverse impacts on human rights that you have identified**  No adverse impact identified.The policy to provide a Review of Decisions process remains unchanged and a farmer’s rights to call for a judicial review or to refer their case to the Ombudsman remain unaltered. |

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| **9.** **Please indicate any ways which you consider the policy positively promotes human rights** The proposal builds on applicant’s rights to request a review of the Department’s decisions which relate to 2017 area based schemes, going forward. The proposal will continue to provide farmers who believe the Department did not reach the correct decision in respect to their claim, with an opportunity to explain and demonstrate how they have met the requirements and why the Department’s initial decision should be changed. The proposal is to reach out to all applicants in a proactive and continuous way ensuring that contact is made with applicants throughout the review rather than simply attempting to contact applicants. The proposal also aims to be fair, impartial, transparent and speed up the review of decisions process. The aim in implementing a revised system is to improve the processing of applications and in doing so release monies deemed to be payable to the applicant faster and provide increased security and stability for their farm property / business and peace of mind. |

**Monitoring Arrangements**

Section 75 places a requirement on DAERA to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; and to help identify barriers to fair participation and to better promote equality of opportunity.

Outline what data you will collect in the future in order to monitor the impact of this policy / decision on equality, good relations and disability duties.

|  |  |  |
| --- | --- | --- |
| **Equality**  |  **Good Relations** | **Disability Duties** |
| The consultation will issue to Section 75 groups. Comments from any of the Section 75 groups are welcome, especially if any group considers that it is significantly affected by the proposal. It is expected that the proposal will assist older people so DAERA intend to monitor the success rate of applicants by age. DAERA expect to issue an equality monitoring sheet to each applicant to record data for equality purposes | No specific data will be collected as the proposal will have no impact on good relations. | It is expected that the proposal will assist older people and those with a disability so DAERA intend to monitor the success rate of applicants who declare a disability.DAERA expect to issue an equality monitoring sheet to each applicant to record data for equality purposes |

Section D

Formal Record of Screening Decision

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| **Title of Proposed Policy / Decision being screened** Proposal to modify the DAERA Area Based Schemes Review of Decisions process to make it faster and more responsive. (The consultation outcome will shape the development and implementation of the new process) |

I can confirm that the proposed policy / decision has been screened for –

|  |  |
| --- | --- |
| [x]  | equality of opportunity and good relations |
| [x]  | disabilities duties; and |
| [x]  | human rights issues |

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

\***place an X in the appropriate box below**

|  |  |
| --- | --- |
| [ ]  | \***Screened In** – Necessary to conduct a full EQIA |

|  |  |
| --- | --- |
| [ ]  | \***Screened Out** – No EQIA necessary (no impacts)Provide a brief note here to explain how this decision was reached:* Please note that a ‘screened out’ decision **must** be accompanied by a sound rationale and relevant empirical evidence to show the basis upon which a screened out decision has been reached.
 |

|  |  |
| --- | --- |
| [x]  | \* **Screened Out -** Mitigating Actions (minor impacts)The proposal will retain a Review of Decisions process for those who are unhappy with the Department’s decisions in relation to their area based scheme applications. In addition, when implemented the proposal will reduce the time taken for applicants to receive a final decision. However, some applicants may consider they have been disadvantaged by the introduction of the new process. Therefore better engagement with applicants is an additional element of the proposed new process and is expected to mitigate these concerns. The new process will also have various levels of management checks to ensure decision standards are maintained and issues with the process that may arise are considered. Applicants will still have recourse to challenge a decision through the Judicial Review process or by referral to the Ombudsman. |

**Formal Record of Screening Decision** (cont)

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| **Screening assessment completed by (Staff Officer level or above) -** |
| Name: D M Watson | Grade: 7 |
|  | Date: 31/05/2017 |
| Branch: Stage Two Review of Decisions  |

|  |
| --- |
| Signature: please insert a scanned image of your signature belowDera's Signature |

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| **Screening decision approved by (must be Grade 3 or above) -** |
| Name: Norman Fulton | Grade: 3 |
|  | Date: 7/6/2017 |
| Branch: FFG |

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| --- |
| Signature: please insert a scanned image of your signature below |

Please save the final signed version of the completed screening form in the TRIM container below as soon as possible after completion and forward the TRIM link to Equality Branch at equalitybranch@daera-ni.gov.uk. The screening form will be placed on the DAERA website and a link provided to the Department’s Section 75 consultees.

For more information about equality screening, contact –

DAERA Equality Branch

Room 515

Dundonald House

Upper Newtownards Road

Belfast BT4 3SB

Telephone 028 9052 4435

Text Relay 18001 028 9052 4435

equalitybranch@daera-ni.gov.uk.



1. ECNI ‘Section 75 of the NI Act 1998: A Guide for Public Authorities’ April 2010. [www.equalityni.org](http://www.equalityni.org) [↑](#footnote-ref-1)